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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 TINA CATES,

8 Plaintiff,

9 v.

10 BRUCE D. STROUD, et al.,

11 Defendants.

Case No. 2:17-cv-01080-GMN-PAL

ORDER

(Mot Cont SC and Excuse – ECF No. 32)

12 Before the court is Defendants' Motion to Reschedule the Settlement Conference and  
13 Excuse Personal Appearance of Defendant James Dzurenda (ECF No. 32). The court has  
14 considered the motion and plaintiff's Response (ECF No. 33).

15 Defendants request that the settlement conference currently scheduled for July 19, 2018,  
16 be continued to a different date as Nevada Tort Claims Manager, Nancy Katafias and Warden  
17 Brian Williams both have prior commitments on that date. Suggested alternative dates to conduct  
18 the settlement conference were provided.

19 Defendants also request that Director Dzurenda be excused from participating in the  
20 settlement conference as his only involvement in this matter relates to a letter faxed to him by  
21 plaintiff's counsel seeking an investigation into the termination of plaintiff's visitation privileges.  
22 That same letter was also given to Warden Williams who will be in attendance at the settlement  
23 conference. There are no allegations that Director Dzurenda personally participated in the  
24 investigation or plaintiff's termination of visitation privileges. As such, Director Dzurenda lacks  
25 specific information that would assist in facilitating settlement discussions. Furthermore, his  
26 attendance would disrupt his work responsibilities which include administration of all NDOC  
27 institutions and facilities and create a burden on NDOC. Finally, his interests can be represented  
28 by an authorized representative of the NDOC and counsel. As Director Dzurenda's absence will

1 not impede any possible resolution of this matter, defendants request that Director Dzurenda be  
2 excused from participating in the settlement conference.

3 Plaintiff does not object to continuing the settlement conference to one of the dates listed  
4 in defendant's motion. However, plaintiff opposes the request to excuse Director Dzurenda from  
5 the attendance arguing that defendants have given no valid reasons for it and Director Dzurenda  
6 has failed to provide an affidavit or declaration on how attending the settlement conference will  
7 disrupt his work responsibilities or burden on NDOC. If a scheduling conflict exists, then the  
8 conflict can be resolved by rescheduling to one of the dates proposed by the defendants.


9 Regarding the letter forwarded to Director Dzurenda and Warden Williams, while  
10 Williams may be able to elaborate on his very own position with respect to the letter, he cannot  
11 elaborate on Director Dzurenda's position and therefore is not a suitable substitute. Alternatively,  
12 plaintiff requests that Director Dzurenda be allowed to participate telephonically at the settlement  
13 conference as the effectiveness and efficiency of a settlement conference is increased with the  
14 involvement of all parties involved.

15 Having reviewed and considered matter,

16 **IT IS ORDERED** that:

- 17 1. Defendants' Motion to Reschedule the Settlement Conference (ECF No. 32) is  
18 **GRANTED**, and the settlement conference currently scheduled for July 19, 2018, at  
19 1:30 p.m., is **VACATED** and **CONTINUED** to 9:30 a.m., July 25, 2018.  
20 2. Defendant's Motion to Excuse Director Dzurenda from the Settlement Conference  
21 (ECF No. 32) is **GRANTED**.

22 DATED this 6th day of June, 2018.

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24   
25 PEGGY A. ZEEN  
26 UNITED STATES MAGISTRATE JUDGE  
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